

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER BATES,
TYRONE FLOWERS,
QUINCY HUGHES,

Defendants.

8:12CR418

ORDER

The defendant, Christopher Bates, has moved to continue the trial currently set for January 27, 2014 (Filing No. 86). The motion to continue is unopposed by counsel for the Government and counsel for defendant Tyrone Flowers. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (filing no. 86), is granted.
- 2) The trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in Courtroom #1 of the United States Courthouse, Omaha, Nebraska, at 9:00 a.m. on March 31, 2014, for five trial days, or as soon thereafter as the case may be called. Jury selection will be held at commencement of trial.
- 3) Based upon the showing set forth in the defendant's motion and the representation of counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the additional time arising as a result of the granting of the motion, the time between January 27, 2014, and March 31, 2014, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).

January 14, 2014.

BY THE COURT:

s/ F. A. Gossett, III
United States Magistrate Judge